

## REMARKS

In the Office Action mailed November 1, 2005, the Examiner rejected claims 1-71 as being obvious over Kail (U.S. Patent No. 6,940,403) in view of Hoffman (U.S. Patent No. 6,239,700). Applicant respectfully traverses this rejection. Applicant's claims, as amended, are not obvious over Kail or Hoffman alone or in combination with any of the references of record.

Kail discloses a mobile monitoring device that, based on the disclosure and the claims of Kail, is primarily directed towards monitoring of humans. However, Kail does mention monitoring of inanimate objects, see Kail Column 1, line 65 – column 2, line 4:

The present invention provides an apparatus and a method for remotely monitoring the status of a living or an inanimate subject. The approach of the invention permits the monitoring of the condition and location of the subject, with interaction by the subject in some cases. The nature of the monitoring may be varied as necessitated by circumstances.

A critical distinction must be drawn, however, between monitoring the status or location of the subject (human, inanimate object) as disclosed by Kail, and monitoring both the subject (portable property) and the area around the subject as claimed by Applicant.

That is, Kail frequently mentions monitoring of the status or location of a subject (that is, the human or inanimate object), see:

- The present invention provides an apparatus and a method for remotely *monitoring the status* of a living or an inanimate subject.

Column 1, line 66 – column 2, line 1 (emphasis added);

- In accordance with the invention, an apparatus for remotely *monitoring and assessing the status* of a subject includes . . . .

Column 2, lines 5-6 (emphasis added);

- In operation, the microprocessor is programmed with a set of activating parameters for the activation conditions and thereafter enters the inactive state. The microprocessor is activated responsive to the occurrence of the activating parameters of any of the activation conditions. The microprocessor *obtains a status of the subject* from the automatic sensor *and the location of the portable unit* from the location-determining device, and *sends a status message*, through the communications device, to the central monitoring device.

Column 2, lines 55-64 (emphasis added);

- Thus, the present invention deals with events from the perspective of the subject being monitored. Events at the portable monitoring unit are sensed. The central *monitoring device may make a periodic status query* to the portable monitoring unit. The *status inquiry* may be made in an auto-response mode without the knowledge or participation of the subject, such as the periodic monitoring of sensors when the subject is sleeping or even when the subject is awake so as to be minimally intrusive.

Column 3, lines 24-32 (emphasis added);

- *A location-determining device 38 is provided so that the location of the portable monitoring unit 12 may be determined.* The location-determining device 38 is preferably a global positioning system (GPS) receiver having an antenna 40 shared with the antenna of the first transceiver 26.

Column 5, lines 18-22 (emphasis added);

- The microprocessor first becomes active to check for the occurrence of any of the activating parameters of one of the activation conditions and, if none are present, becomes inactive, numeral 84. If any of the activating parameters are present, or upon occurrence of any of the activating parameters of one of the activation conditions, the microprocessor becomes (or remains) active, numeral 86. *The microprocessor obtains the status of the subject and its location*, numeral 88, *and reports that information* through the communication link 16 to the control monitoring device 14, numeral 90. The central monitoring device analyzes and reports the information, and takes action as appropriate, numeral 92.

Column 6, lines 35-47 (emphasis added); and

- The procedures set forth in FIGS. 4-7 provide the building blocks by which a wide variety of queries, status checks, and reprogramming may be accomplished. *For example, the central monitoring device can periodically monitor the sensors 28 to determine the status of the subject.* The subject may be required to "report" by operating the manual input periodically to demonstrate a satisfactory mental condition. If the subject fails to report, then the control monitoring device can initiate a call, activate the audio-visual communicator 36 and/or the display 34 until the subject responds, *and then require the subject to perform a series of input responses through the manual input 32 to demonstrate a satisfactory mental condition.* If either the sensor information or the manual input of the subject is not satisfactory, the control monitoring device 14 can report this fact and the apparent nature of the problem to the concerned person or summon help. *The location of*

*the subject is available* to the concerned person or emergency responders from the location-determining device 38, whose data is automatically communicated to the central monitoring device as part of the message information.

Column 8, line 63 – column 9, line 16 (emphasis added). Kail's emphasis on determining the status of the subject is further emphasized by the fact that each claim of Kail is directed to an apparatus or method for assessing the status of a human subject or to reading a biological condition sensor on a human subject.

To be sure, Kail mentions "sensors 28" throughout the specification, but without describing what types of sensors those may be. The "sensors 28" do provide information used to activate the device:

Once operational, the microprocessor reads the memory and then monitors the sensors 28, the port 37, the communications device interface 24, and the manual input 32 for activity. If there is no activity on the sensors 28, the port 37, or the manual input 32 for a period of time specified in the activation parameters, the microprocessor places the communications device interface 24 into an inactive state. A signal from any of the sensors 28, the port 37, the communication device interface 24, or the manual input 32 causes the microprocessor to return to the active state.

Column 6, line 63 – column 7, line 4. Furthermore, the possible nature of "sensors 28" is alluded to in one passage of the specification:

The same device, but with different sensors, may be used to track and monitor inanimate objects such as valuable articles during shipment. In that case the

sensors may indicate *the condition of the article* such as temperature, humidity, or movement, or associated equipment such as a refrigerator or heater.

Column 3, lines 55-60 (emphasis added). However, this passage does not describe monitoring of the area around the subject, only monitoring the condition of the subject (article) or equipment associated therewith. Kail has no teaching of monitoring the area proximate to portable property, nor is there any suggestion to monitor the area proximate to portable property, as claimed by Applicant.

Similarly, Hoffman is also directed to humans, in particular, to “a signaling system that enables an individual in distress to initiate an alarm to alert appropriate personnel combined with a locating and tracking system that enables the alerted personnel to monitor the location of the individual in distress.” Hoffman, column 1, lines 9-13. As Hoffman states:

The personal security system of the present invention gives the central dispatch operator the ability to initiate a request for location coordinate information for the individual being monitored. In addition, the system permits the central dispatch station *to monitor the location of an individual* within predefined boundaries such that, when violated, the system would generate an alarm signal to the central dispatch station. The system further allows a central dispatch operator to selectively establish two-way digital contact with the portable signaling unit and, optionally, two-way voice contact with the person carrying the portable signaling unit. The system also enables a central dispatch station to periodically interrogate and test the system for malfunction and to compile historical data.

Hoffman, column 6, line 57 – column 7, line 3 (emphasis added). Hoffman suggests monitoring of animals and inanimate objects:

It should be noted that the invention is not limited to the security and tracking of a person. The invention is capable of protecting the security of animals and inanimate objects. The invention can pinpoint and monitor the location of anything capable of carrying a portable signaling unit due to the fact that it can be interrogated by the central dispatch station.

Hoffman, column 7, lines 15-21. However, again there is no disclosure of an intent to monitor conditions in the area around the device, only the location of the device (and thus the subject). See also Hoffman, column 8, line 65 – column 9, line 2:

Another variation of the configuration could incorporate a sensor to detect if the portable signaling unit 20 was involuntarily removed from the individual and would automatically trigger an alarm signal to the central dispatch station.

Hoffman does not suggest or even mention monitoring the area around the individual.

In contrast, according to the present invention as claimed, the mobile monitoring device monitors not just the object in question but also the area around the object. This is an important distinction. Monitoring conditions in the area around the object in addition to monitoring the object provides significant information.

For instance, by monitoring the sounds around the object, a user may be able to detect whether a vibration detector has been set off by an actual threat to the object or whether it is just a false alarm. Monitoring only the actual object will not provide such information, which could result in police notification for no good reason. After a few false calls because the device is only monitoring the object, and not the area around the object,

it is entirely possible the police will no longer respond. That is just one of the problems that would arise from any device disclosed or made obvious by Kail alone or in combination with any of the cited references.

Kail and Hoffman, taken alone or separately, have no teaching of monitoring the area proximate to portable property, nor is there any suggestion to combine one of those references with some other (presently unknown) reference to monitor the area proximate to portable property, as claimed by Applicant. Therefore, Applicant's independent claims, as amended, all of which include the limitation of monitoring the area around the portable property being monitored by the device, are not obvious in view of Kail alone or in combination with Hoffman. The remaining claims, all being dependant on an allowable claim, are also allowable.

Applicant respectfully traverses the Official Notices that in the remote monitoring art (1) the use of voice menu systems, DTMF detectors for decoding DTMF tones, voice synthesizers, internal microphones and voice recognition systems; (2) the use of monitoring devices to receive programming commands to control the operation of a monitoring device; and (3) the use of receive progress information regarding telephone calls made or received by the transceiver; are well known, though in view of Applicant's amendments, that Official Notice (which relates to the condition of the property, as opposed to the conditions of the property and the area around the property) may no longer be applicable. Likewise, Applicant respectfully traverses the Official Notice that passwords have been used in the remote monitoring art for verification purposes, though they have been used in the non-analogous art of computer log-in and document security,

but again that Official Notice may no longer be applicable because of the nature of the amendments to Applicant's claims.

#### CONCLUSION

Applicant respectfully submits that all of the independent claims pending in this application, as amended, are allowable. Reconsideration of Applicant's claims and a Notice of Allowance are respectfully requested. Should the Examiner have any questions, he is invited to call Applicant's attorney at (801) 932-6162. Also, please associate this application with Customer No. 50593 for private PAIR purposes.

Respectfully submitted,

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By: 

J. Harrison Colter  
Attorney for Applicant  
Registration Number 31,341  
333 South 520 West, Suite 350  
Lindon, Utah 84042  
Telephone: (801) 932-6162  
Fax: (801) 932-6161